IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.393 of 2005

Between:

Gutha Mohan Reddy S/o Venkat Reddy
R/o H. No. 8-1-402/2, RTC Colony, Nalgonda, Nalgonda Distruct

..... PETITIONER

AND

1 The Commissioner, Nalgonda Municipality, Nalgonda District
2 The Town Planning Officer, Nalgonda Municipality, Nalgonda District
3 Gunti Sudhakar S/o Narayana
R/o Hardeep Complex, Prakasam Bazar, Nalgonda, Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the Respondents 1 and 2 in not taking any suitable action against the construction carried on by the 3rd respondent in violation of provisions of Municipalities Act and Rules made thereunder in a premises situated at shivajinagar Locality, Nalgonda Town as illegal, arbitrary and consequently direct the respondents to visit the site where 3rd respondent carrying construction work and take appropriate action according to law.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos.1 and 2: MR.P.RADHAKRISHNA

The Court, at the admission stage, made the following:

ORDER:

The grievance of the petitioner in this writ petition is that when the 3rd respondent without obtaining any permission from the Municipality started illegal construction in the premises situated at Shivajinagar Colony, Nalgonda District he made a representation dated 12.01.2005 to the respondents 1 and 2, but so far no action is being taken. Hence, he filed the present writ petition.

Heard the learned counsel for petitioner and learned Standing Counsel for respondents-Municipality, and with their consent, the writ petition itself is disposed of at the stage of admission.

Since the representation of the petitioner dated 12.01.2005 is said to be pending consideration before the respondents 1 and 2, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2 to consider the same and inspect the plots in question, if necessary, and after affording an opportunity of hearing to the 3rd respondent take necessary action in the matter, in accordance with law. The entire exercise should be completed within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

_____

(N.V. RAMANA, J)

Date: 20.01.2005

(B/O)

Issue CC in two days

Nsr

To

1 The Commissioner, Nalgonda Municipality, Nalgonda Dist.
2).. The Town Planning Officer, Nalgonda Municipality, Nalgonda.

3).. Two CD copies.